

LOCAL GOVERNMENT (IRELAND) BILL (DRAFT ORDER
IN COUNCIL UNDER CLAUSE 64 (3)).

RETURN to an Order of the Honourable The House of Commons,
dated 1 April 1898; for,

COPY "of DRAFT of an ORDER in COUNCIL under CLAUSE 64 (3) of
the LOCAL GOVERNMENT (IRELAND) BILL."

(*Mr. Gerald Balfour.*)

*Ordered, by The House of Commons, to be Printed,
1 April 1898.*

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1898.

Local Government (Ireland) Bill (Transitory
Provisions Order in Council).

(DRAFT ORDER IN COUNCIL UNDER SECTION 64 (3).)

NOTE.

Some parts of this draft order assume that the Bill will be amended in certain points as proposed on behalf of the Government.

The draft order may require modification hereafter in consequence of amendments made in the Bill during its passage through Parliament.

Local Government (Ireland) Bill (Transitory Provisions Order in Council).

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Local Government (Ireland) Bill (Transitory Provisions Order in Council).

TRANSITORY PROVISIONS (CLAUSE 64).

The day of 1898.

By the Lord Lieutenant in Privy Council of Ireland.

WHEREAS it is enacted by section sixty-four of the Local Government (Ireland) Act, 1898, that the Lord Lieutenant by Order in Council may (among other matters) make such transitory provisions as appear to him necessary or expedient for bringing the said Act into operation, and in particular for regulating the various matters therein mentioned.

And whereas it appears to Us necessary or expedient for those purposes that the provisions herein-after contained should have full effect :

Now, therefore, We, the Lord Lieutenant-General and General Governor of Ireland, by virtue of the powers vested in Us for that purpose as aforesaid, and of all other powers enabling Us in that behalf, do order and it is hereby ordered as follows :—

Short Title and Interpretation.

1. This Order may be cited as the Local Government (Transitory Short Title Provisions) Order, 1898.

2.—(1.) In this Order, unless the context otherwise requires,—

Definitions.

- (a.) The expression "the Act" shall mean the Local Government (Ireland) Act, 1898, and includes any Order made under Part Six thereof, and expressions referring to the Act or to enactments in the Act or to the passing of the Act shall be construed to include a reference to any such Order, or to the provisions of any such Order, or to the making of any such Order.
- (b.) Other expressions shall, subject to the express provisions in this Order, have the same meaning as in the Act.
- (c.) Any reference to the appointed day shall refer to such day as under the Act may be the appointed day for the purpose of the enactment to which the reference refers.
- (d.) The provisions of this Order with respect to members of a council shall, unless the context otherwise requires, extend to the additional

members, and the expression "elected" and the like expressions shall be construed accordingly.

(2.) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Action of Grand Jurors and Guardians.

Arrangements as to presentments and county cess before 30th September 1899, and appointment of committees.

3.—(1.) The grand jury of each county at the spring assizes next after the passing of the Act, and the presentment sessions held before those assizes, shall proceed in like manner as if the Act had not passed, subject as follows: they shall not take into account possible receipts from the agricultural grant, and shall not make a presentment for any new work, but shall make such presentments in respect of works to be executed and matters to be done subsequent to those assizes as will meet everything required to be done up to the last day of September next following, and as appear necessary to comply with the provisions of the Act with respect to the liquidation of current debts and liabilities, and may arrange for the continuance up to the said last day of September of contracts expiring before that day, and for any other matter required for the maintenance of works up to that day; and the grand jury shall, notwithstanding the absence of a presentment by presentment sessions, make such presentments and arrangements as appear to them necessary or proper for carrying into effect this article.

(2.) Such payments out of the county cess apportioned before the said spring assizes as are required to be made in pursuance of the presentments at those assizes shall be paid by the county treasurer in like manner as if the Act had not passed, but after the day fixed by the county council all receipts and payments in respect of any county cess apportioned before the said spring assizes shall be paid into and out of the county fund as if they were receipts and payments in respect of the poor rate levied under the Act.

(3.) As respects payments out of money to be raised after the said spring assizes to meet presentments at those assizes, no county cess shall be apportioned to meet the same, but the money required for those payments shall be raised by the county council.

(4.) The grand jury of each county at the spring assizes next after the passing of the Act may, if they think fit, instead of choosing the additional councillors for the first county council under section seventy-one of the Act, appoint a committee of such number as they may fix for the purpose of choosing such councillors after the result of the first elections of county councillors is known, and the persons chosen by that committee shall be deemed to have been chosen by the grand jury under the said section.

Arrangements as to guardians and district councils before 30th September 1899.

4.—(1.) Every board of guardians, as regards the first poor rate made after the passing of the Act, shall make the same only for the service of the period ending on the last day of March, one thousand eight hundred and ninety-nine; but otherwise every board of guardians shall make, levy, collect, and recover the poor rate in like manner as if the Act had not passed.

(2.) As respects a union part of which is within and part without the city of Dublin, the foregoing provisions shall apply as respects that portion of the

union which is without the city; but as respects that portion of the union which is within the city, the board of guardians shall estimate the amount required by them, according to the law existing at the passing of the Act, for the service of the period ending on the last day of March one thousand eight hundred and ninety-nine, and estimate the amount required by them according to the law as altered by the Act for the service of the period between the said last day of March and the first day of October following, and shall send the estimate of those amounts to the Collector-General of Rates in the city of Dublin, and that Collector-General shall make, levy, collect, and recover the rate for the total of the two amounts in like manner as if the Act had not passed.

(3.) A county council may, with the approval of the Local Government Board, temporarily advance, out of the money received by the council from the agricultural grant, such sums to any rural district council or board of guardians as that council or board require to meet their expenses, until the full demand of such council or board can be met out of the poor rate; and if and so far as any such advance is not made or is insufficient, the county council or the rural district council or board of guardians may, with the approval of the Local Government Board, borrow temporarily the required amount.

First County Councils.

5.—(1.) The first meeting of the county council shall be held on the second Thursday next after the day of the first election, and shall be convened by the returning officer in like manner as meetings of the council are required by the Act to be convened, and as if the person convening the same were the chairman of the council.

First county council.
Cf. 31 & 32
Vict. c. 41,
ss. 105, 107.

(2.) At the first meeting the council shall first select one of their number to be chairman of the meeting, and if an equal number of votes is given for two or more persons for such chairman, the meeting shall determine by lot which of those persons shall be the chairman of the meeting.

(3.) The meeting shall then proceed as their first business to elect the chairman of the council for the year, and the chairman so elected, if present, shall on making the declaration accepting office, take the chair in place of the chairman of the meeting.

(4.) In case of equality of votes at the election of the chairman of the council, the chairman of the meeting shall have a second or casting vote.

(5.) The council may also at their first meeting, if they think fit, elect a vice-chairman.

(6.) The term of office of the first chairman and vice-chairman of the county council shall end on the day of the annual meeting in the year nineteen hundred.

(7.) There shall be paid out of the county fund to any officer who under the Act becomes the officer of the county council, such reasonable remuneration, not exceeding the scale approved by the Local Government Board, as the county council may award for extra services rendered by him in bringing the Act into operation.

*First Rural District Councillors and Guardians.**First rural district councillors.*

6.—(1.) The rural district councillors elected at the first election under the Act shall come into office in their capacity as rural district councillors on the day next after the day of election.

(2.) The first meeting of the rural district council first elected under the Act shall be held on the first Monday next after the day of election, or such other day not more than three days later, as may be fixed by the returning officer, and shall be convened by the returning officer as if he were the chairman of the council.

(3.) At the first meeting the council shall first select one of their number to be chairman of the meeting, and if an equal number of votes is given for two or more persons for such chairman, the meeting shall determine by lot which of those persons shall be the chairman of the meeting.

(4.) The meeting shall then proceed as their first business to elect the chairman of the council for the year, and the chairman so elected, if present, shall, on making the declaration accepting office, take the chair in place of the chairman of the meeting.

(5.) In case of equality of votes at the election of the chairman of the council, the chairman of the meeting shall have a second or casting vote.

(6.) The council may also at their first meeting, if they think fit, elect a vice-chairman.

(7.) The term of office of the first chairman and vice-chairman of the council shall end on the day of the annual meeting in the year nineteen hundred.

First guardians.

7.—(1.) The rural district councillors elected at the first election under the Act shall come into office in their capacity as guardians on the day of the first meeting of the board of guardians, and the guardians of a union elected at the first election under the Act for an electoral division in a county borough or urban county district shall come into office on the same day or on any later day on which they are elected.

(2.) The first meeting of the board of guardians of a union after the first election under the Act of rural district councillors and of guardians for electoral divisions in a county borough or urban county district shall be held on the second Monday after the day of election of the rural district councillors in such union, or on such other day not more than four days earlier or later as may be fixed by the returning officer, and shall be convened by the returning officer.

(3.) On the day of such first meeting all persons who are then guardians shall retire from office, but until that day the persons who are guardians at the passing of the Act shall continue in office, notwithstanding any want of qualification, as if the term of office for which they were elected expired on that day, and no further election shall be held.

Existing urban and rural sanitary authorities.

8.—(1.) The existing urban and rural sanitary authorities, as respects district councillors, and the town council or commissioners for a county borough or urban county district, as respects the guardians for electoral divisions in such borough or district, shall take the necessary measures for the conduct of the

first elections of district councillors and guardians, as the case may be, under the Act, including any such appointment of returning officers or other thing as is required by any Order in Council or rules made thereunder.

(2.) The municipal commissioners of Carrickfergus shall, notwithstanding the election of an urban district council in Carrickfergus, continue in office as the rural sanitary authority until the rural district councillors elected under the Act come into office, and shall then finally cease to hold office.

First County Borough and Urban County District Councillors.

9.—(1.) The aldermen and councillors elected at the first election under the Act in any county borough or urban county district shall come into office on the day next following the day of their election.

First county borough and urban district councillors and aldermen.

(2.) Upon the same day all the persons who are then members of the town council or commissioners for the said borough or district shall cease to hold office, but until that day the persons who are at the passing of the Act such members shall continue in office, notwithstanding any want of qualification, as if the term of office for which they were elected expired on that day, and no further election shall be held.

(3.) The first meeting of each council for a county borough or urban county district held after the first election under the Act, shall be convened by the mayor or chairman of the commissioners, as the case may be.

(4.) In the case of a county or other borough the term of office of the mayor holding office at the passing of the Act shall continue until the ordinary day of retirement for the mayor, and then cease, and he may, notwithstanding any want of qualification, preside at the meetings of the council in like manner as if there had been no new election under the Act of the members thereof.

(5.) In the case of a council for an urban county district not a borough, the term of office of the chairman holding office at the passing of the Act shall continue, notwithstanding any want of qualification, until the councillors elected at the first election under the Act have chosen their chairman, and that chairman has made a declaration accepting office, and shall then cease; and the chairman holding office at the passing of this Act shall be entitled to preside at the first meeting of such councillors; and the council at their first meeting shall, as their first business, choose a chairman of the council; and the chairman so chosen shall, upon making the declaration, come into office immediately, and his term of office shall continue until the day for the ordinary election of chairman in the year one thousand eight hundred and ninety-nine.

(6.) In the case of equality of votes at the said first meeting, the chairman of the meeting, whether entitled or not to vote in the first instance, shall have a casting vote, and if on the selection of the chairman of the meeting, in the absence of the mayor or chairman, an equal number of votes is given to two or more persons, the meeting shall determine by lot which of those persons shall be the chairman.

Retirement.

Retirement
of first
councillors
and guardians.

10.—(1.) The councillors of a council of a county at large or a rural district who are elected at the first election under the Act, shall retire from office on the ordinary day of retirement of such councillors in the year nineteen hundred and two, and the guardians of a union elected for electoral divisions in a county borough or urban county district shall retire from office on the ordinary day of retirement of rural district councillors in such union.

(2.) In the case of a county borough and every urban county district save as hereafter mentioned, the councillors and aldermen elected at the first election under the Act shall retire as follows, that is to say :—

(a.) One-third, as nearly as may be, of the councillors shall continue in office until the ordinary day of retirement of such councillors in the year one thousand eight hundred and ninety-nine, and shall then retire.

(b.) One-third, as nearly as may be, shall continue in office until the said day in the year nineteen hundred, and shall then retire.

(c.) The remainder shall continue in office until the same day in the year nineteen hundred and one, and shall then retire.

See S. & V. Act,
c. 368, s. 61.

(d.) The councillors who shall first go out of office shall be the councillors who were elected by the smallest number of votes at the first election, and in the next year those who shall go out of office shall be the councillors who were elected by the next smallest number of votes; at the first election, the majority of the whole council always determining, when the votes for any such persons have been equal or when there has been no contest, who shall be the persons to go out of office.

(e.) One-half of the aldermen shall continue in office until the ordinary day of retirement of aldermen in the year nineteen hundred and one, and shall then retire, and the other half shall continue in office until the said day in the year nineteen hundred and four, and shall then retire, and section sixty-two of the Municipal Corporations (Ireland) Act, 1840, shall apply in like manner as if the year nineteen hundred and one were the third year after the Act came into operation in any borough.

(3.) In the case of a county borough or an urban county district divided into wards, the foregoing provisions with respect to the retirement of councillors shall apply separately to each ward.

(4.) Where the councillors of an urban county district serve for three years and then retire together, the first councillors elected under the Act shall retire on the ordinary day of retirement of councillors in the year nineteen hundred and one.

Adjustment by Local Government Board.

Adjustment of
financial
relations on
alteration of
boundaries or
any other
changes under
the Act.

11.—(1.) Where, under the provisions of the Act, or any order made or thing done in pursuance of the Act, within twelve months after the passing thereof, whether by reason of an alteration in the boundaries of any county or any district union or part of a county, or by reason of any alteration in the method of assessing the poor rate, or of raising the charges heretofore

levied off any area, or of any transfer of business by or in pursuance of the Act, any change is caused in the area which is to bear any particular charge or expense, or where any matter is declared by the Act to be the subject of adjustment, the Local Government Board, as soon as may be after the passing of the Act, or the making of such order or the doing of such thing, but after due inquiry and communication with the various authorities concerned, shall by order apportion and adjust any property, income, debts, liabilities, and expenses of any area or local authority affected by such alteration.

(2.) Such order may be varied by the Local Government Board if satisfied that any error has been made therein, but unless so varied shall be final, and all the provisions of the Act respecting adjustments and sums payable therefor and matters which may be done by such adjustment or by an order altering boundaries shall apply for the purposes of this article.

(3.) Where a barony is divided between two or more counties or county districts, the foregoing provisions shall apply to the adjustment of any guarantee, or other liability affecting the barony between the divided parts, and such adjustment may be made to vary in any manner in which the amount of the guarantee or liability may vary.

(4.) An order under this Article shall contain such consequential provisions as the Local Government Board may deem necessary with respect to the transfer or retention of any property, duties, and liabilities with or without any conditions, and for the joint use of any property, and, for the transfer of any duties, whether of any council or officer, and for the payment of any sums by any authorities affected by any adjustment under this section, and for the funds out of which the same are to be paid.

See
54 & 55 Vict.
c. 42.

Given at Dublin Castle this day of 1898
thousand eight hundred and ninety-eight.

LOCAL GOVERNMENT (ELECTIONS) BILL
(DRAFT ORDER IN COUNCIL UNDER
CLAUSE 44 (2))

COPY of Order of the Council as Council under
Clause 44 (2) of the Local Government
(Elections) Bill.

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(Mr. Oswald Duffell)

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